



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 13, 1996

Ms. Judith A. Hunter
Paralegal
City Attorney's Office
P.O. Box 409
Georgetown, Texas 78627-0409

OR96-2095

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102531.

The City of Georgetown (the "city") received an open records request for the arrest and offense report pertaining to the Driving While Intoxicated ("DWT") arrest of the requestor's son. You have submitted to this office as responsive to the request various documents pertaining to the arrest. You state that the city has released to the requestor the front page of the Arrest Report, but seek to withhold the remaining information pursuant to section 552.108 of the Government Code.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the records at issue clearly come within the purview of section 552.108, we conclude that most of the information at issue may be withheld under this section.

We note, however, that the city must release "front page offense report information" in compliance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); *see also* Open Records Decision No. 127 (1976). In this regard we note that although you state that the front page of the Arrest Report contains "a brief description of the offense," our review of the first page reveals only the name of the offense for which the requestor's son was arrested. Under *Houston Chronicle* the city is required to release a

"detailed" description of the offense. *Houston Chronicle, supra*, at 187. The front page of the Arrest Report does not contain this information. Accordingly, the city must release this information from the "DWI Narrative." Although section 552.108 authorizes the city to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law.¹ See Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/RWP/ch

Ref.: ID# 102531

Enclosures: Submitted documents

cc: Mr. Tom Robins
706 Laurel Lane
New Braunfels, Texas 78138
(w/o enclosures)

¹We note that although the arrested individual has a statutory right of access to the results of his own intoxilyzer test results, *see* Trans. Code § 724.018, the right of access does not extend to the requestor in this instance.